

**STATE BOARD OF EDUCATION BOUNDARIES AND
ELECTION DESIGNATION**

2011 THIRD SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Kenneth W. Sumsion

Senate Sponsor: Ralph Okerlund

LONG TITLE

Redistricting Boundary Information:

The State Board of Education district boundary information may be found at

<http://le.utah.gov>.

Block assignment file security code: 43dcc31231a0fb585694785beddd144c

General Description:

This bill, which includes this printed text and the electronic data affiliated with it, establishes new State Board of Education district boundaries and makes other technical corrections.

Highlighted Provisions:

This bill:

- ▶ repeals current State Board of Education district boundaries and establishes new State Board of Education district boundaries;
- ▶ establishes election dates for State Board of Education districts to ensure that State Board of Education terms are staggered;
- ▶ establishes the block assignment file, which is part of this bill in electronic form, as the legal boundaries of State Board of Education districts; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None



Other Special Clauses:

This bill takes effect on January 1, 2012, for purposes of nominating and electing certain members of the State Board of Education and on January 1, 2013, for all other purposes.

Utah Code Sections Affected:

AMENDS:

20A-14-102, as last amended by Laws of Utah 2011, Chapter 74
20A-14-102.1, as enacted by Laws of Utah 2001, Second Special Session, Chapter 2
20A-14-102.2, as last amended by Laws of Utah 2005, Chapter 169
20A-14-102.3, as enacted by Laws of Utah 2011, Chapter 74
20A-14-103, as last amended by Laws of Utah 2011, Chapter 297

ENACTS:

20A-14-101.1, Utah Code Annotated 1953
20A-14-101.5, Utah Code Annotated 1953

REPEALS:

20A-14-101, as repealed and reenacted by Laws of Utah 2001, Second Special Session, Chapter 2

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-14-101.1** is enacted to read:

20A-14-101.1. Definitions.

As used in this section:

(1) "Board" means the State Board of Education.

(2) "Board block assignment file" means the electronic file that assigns each of Utah's 115, 406 census blocks to a particular State Board of Education district.

(3) "Census block" means any one of the 115, 406 individual geographic areas into which the Bureau of the Census of the United States Department of Commerce has divided the state of Utah, to each of which the Bureau of the Census has attached a discrete population tabulation from the 2010 decennial census.

Section 2. Section **20A-14-101.5** is enacted to read:

20A-14-101.5. State Board of Education -- Number of members -- State Board of

Education district boundaries.

(1) The State Board of Education shall consist of 15 members, with one member to be elected from each State Board of Education district.

(2) The Legislature adopts the official census population figures and maps of the Bureau of the Census of the United States Department of Commerce developed in connection with the taking of the 2010 national decennial census as the official data for establishing State Board of Education district boundaries.

(3) (a) The Legislature enacts the numbers and boundaries of the State Board of Education districts designated in the Board block assignment file that is the electronic component of the bill that enacts this section.

(b) That Board block assignment file, and the State Board of Education district boundaries generated from that Board block assignment file, may be accessed via the Utah Legislature's website.

Section 3. Section **20A-14-102** is amended to read:

20A-14-102. State Board of Education districts.

(1) (a) The Legislature shall file [~~copies of the official maps~~] a copy of the Board block assignment file enacted by the Legislature with the lieutenant governor's office.

(b) The legal boundaries of State Board of Education districts are contained in the [~~official maps~~] Board block assignment file on file with the lieutenant governor's office.

~~[(2) When questions of interpretation of state board district boundaries arise, the official maps on file in the lieutenant governor's office shall serve as the indication of the legislative intent in drawing the state board district boundaries.]~~

~~[(3) Maps identifying the boundaries for state board districts may be viewed on the Internet at the lieutenant governor's website.]~~

(2) (a) The lieutenant governor shall:

(i) generate maps of each State Board of Education district from the Board block assignment file; and

(ii) ensure that those maps are available for viewing on the lieutenant governor's website.

(b) If there is any inconsistency between the maps and the Board block assignment file, the Board block assignment file is controlling.

Section 4. Section **20A-14-102.1** is amended to read:

20A-14-102.1. Omissions from maps -- How resolved.

(1) If any area of the state is omitted from a State Board of Education district in the ~~[maps]~~ Board block assignment file enacted by the Legislature, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate ~~[state-board]~~ State Board of Education district according to the requirements of Subsections (2) and (3).

(2) If the omitted area is surrounded by a ~~[state-board]~~ single State Board of Education district, the county clerk shall attach the area ~~[shall be attached]~~ to that district.

(3) If the omitted area is contiguous to two or more State Board of Education districts, the county clerk shall attach the area ~~[shall be attached]~~ to the district that has the least population, as determined by the official census population figures and maps described in Subsection 20A-14-101.5(2).

(4) ~~[Any attachment]~~ The county clerk shall certify in writing and file with the lieutenant governor any attachment made under [Subsection (1) shall be certified in writing and filed with the lieutenant governor] this section.

Section 5. Section **20A-14-102.2** is amended to read:

20A-14-102.2. Uncertain boundaries -- How resolved.

(1) As used in this section, "affected party" means:

(a) a state school board member whose ~~[state school board]~~ State Board of Education district boundary is uncertain because the ~~[identifying feature]~~ boundary in the Board block assignment file used to establish the district boundary has been removed, modified, or is unable to be identified or who is uncertain about whether or not ~~[he]~~ the member or another person resides in a particular ~~[state-board]~~ State Board of Education district;

(b) a candidate for state school board whose ~~[state-board]~~ State Board of Education district boundary is uncertain because the ~~[identifying feature]~~ boundary in the Board block assignment file used to establish the district boundary has been removed, modified, or is unable to be identified or who is uncertain about whether or not ~~[he]~~ the candidate or another person resides in a particular ~~[state-board]~~ State Board of Education district; or

(c) a person who is uncertain about which ~~[state-board]~~ State Board of Education district contains the person's residence because the ~~[identifying feature]~~ boundary in the Board block assignment file used to establish the State Board of Education district boundary has been

121 removed, modified, or is unable to be identified.

122 (2) (a) An affected party may file a written request petitioning the lieutenant governor
123 to determine:

124 (i) the precise location of the [~~state board~~] State Board of Education district boundary;

125 (ii) the number of the [~~state board~~] State Board of Education district in which a person
126 resides; or

127 (iii) both Subsections (2)(a)(i) and (ii).

128 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
129 governor shall review the [~~official maps~~] Board block assignment file and obtain and review
130 other relevant data such as aerial photographs, aerial maps, or other data about the area.

131 (c) Within five days of receipt of the request, the lieutenant governor shall review the
132 [~~maps~~] Board block assignment file, obtain and review any relevant data, and make a
133 determination.

134 (d) If the lieutenant governor determines the precise location of the [~~state board~~] State
135 Board of Education district boundary, the lieutenant governor shall:

136 (i) prepare a certification identifying the appropriate State Board of Education district
137 boundary and attaching a map, if necessary; and

138 (ii) send a copy of the certification to:

139 (A) the affected party;

140 (B) the county clerk of the affected county; and

141 (C) the Automated Geographic Reference Center created under Section 63F-1-506.

142 (e) If the lieutenant governor determines the number of the [~~state board~~] State Board of
143 Education district in which a particular person resides, the lieutenant governor shall send a
144 letter identifying that district by number to:

145 (i) the person;

146 (ii) the affected party who filed the petition, if different than the person whose [~~state~~
147 ~~board~~] State Board of Education district number was identified; and

148 (iii) the county clerk of the affected county.

149 Section 6. Section **20A-14-102.3** is amended to read:

150 **20A-14-102.3. County clerk, Automated Geographic Reference Center, and**
151 **lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

152 (1) Each county clerk shall obtain [~~copies of the official maps~~] a copy of the Board
153 block assignment file for the clerk's county from the lieutenant governor's office.

154 (2) (a) A county clerk may create one or more county maps that identify the boundaries
155 of [~~state board~~] State Board of Education districts as [~~shown on the official maps~~] generated
156 from the Board block assignment file.

157 (b) Before publishing or distributing any map or data created by the county clerk that
158 identifies the boundaries of [~~state board~~] State Board of Education districts within the county,
159 the clerk shall submit the county map and data to the lieutenant governor and to the Automated
160 Geographic Reference Center for review.

161 (c) Within 30 days after receipt of a county map and data from a county clerk, the
162 Automated Geographic Reference Center shall:

163 (i) review the county map and data to evaluate if the county map and data accurately
164 reflect the boundaries of [~~state board~~] State Board of Education districts established by the
165 Legislature in the [~~official maps~~] Board block assignment file;

166 (ii) determine whether the county map and data are correct or incorrect; and

167 (iii) communicate those findings to the lieutenant governor.

168 (d) The lieutenant governor shall either notify the county clerk that the county map and
169 data are correct or inform the county clerk that the county map and data are incorrect.

170 (e) If the county clerk receives notice from the lieutenant governor that the county map
171 and data submitted are incorrect, the county clerk shall:

172 (i) make the corrections necessary to conform the county map and data to the [~~official~~
173 ~~maps~~] Board block assignment file; and

174 (ii) resubmit the corrected county map and data to the lieutenant governor for a new
175 review under this Subsection (2).

176 (3) (a) Subject to the requirements of this Subsection (3), each county clerk shall
177 establish voting precincts and polling places within each [~~state board~~] State Board of Education
178 district according to the procedures and requirements of Section 20A-5-303.

179 (b) Within five working days after approval of voting precincts and polling places by
180 the county legislative body as required by Section 20A-5-303, each county clerk shall submit a
181 voting precinct map identifying the boundaries of each voting precinct within the county to the
182 lieutenant governor and to the Automated Geographic Reference Center for review.

(c) Within 30 days after receipt of a voting precinct map from a county clerk, the Automated Geographic Reference Center shall:

(i) review the voting precinct map to evaluate if the [county] voting precinct map accurately reflects the boundaries of [state board] State Board of Education districts established by the Legislature in the [official maps] Board block assignment file;

(ii) determine whether the voting precinct map is correct or incorrect; and

(iii) communicate those findings to the lieutenant governor.

(d) The lieutenant governor shall either notify the county clerk that the voting precinct map is correct or notify the county clerk that the voting precinct map is incorrect.

(e) If the county clerk receives notice from the lieutenant governor that the voting precinct map is incorrect, the county clerk shall:

(i) make the corrections necessary to conform the voting precinct map to the [official maps] Board block assignment file; and

(ii) resubmit the corrected voting precinct map to the lieutenant governor and to the Automated Geographic Reference Center for a new review under this Subsection (3).

Section 7. Section **20A-14-103** is amended to read:

20A-14-103. State Board of Education members -- When elected -- Qualifications -- Avoiding conflicts of interest.

~~[(1) (a) In 2002 and every four years thereafter, one member each shall be elected from new Districts 2, 3, 5, 6, 9, 10, 14, and 15 to serve a four-year term.]~~

~~[(b) In 2004 and every four years thereafter, one member each shall be elected from new Districts 4, 7, 8, 11, 12, and 13 to serve a four-year term.]~~

~~[(c) (i) Because of the combination of certain former districts, the state school board members elected from old Districts 2 and 4 who will reside in new District 1 may not serve out the term for which they were elected, but shall stand for election in 2002 for a term of office of four years from the realigned district in which each resides.]~~

~~[(ii) If one of the incumbent state school board members from new District 1 indicates in writing to the lieutenant governor that the school board member will not seek reelection, that incumbent state school board member may serve until January 1, 2003 and the other incumbent state school board member shall serve out the term for which the member was elected, which is until January 1, 2005.]~~

(1) (a) Unless otherwise provided by law, each State Board of Education member elected from a State Board of Education District at the 2010 general election shall:

(i) serve out the term of office for which that member was elected; and

(ii) represent the realigned district if the member resides in that district.

(b) At the general election to be held in 2012, a State Board of Education member elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected to serve a term of office of four years.

(c) In order to ensure that the terms of approximately half of the State Board of Education members expire every two years:

(i) at the general election to be held in 2012, the State Board of Education member elected from State Board of Education District 1 shall be elected to serve a term of office of two years; and

(ii) at the general election to be held in 2014, the State Board of Education member elected from State Board of Education District 1 shall be elected to serve a term of office of four years.

(2) (a) A person seeking election to the ~~[state school board]~~ State Board of Education shall have been a resident of the ~~[state school board]~~ State Board of Education district in which the person is seeking election for at least one year as of the date of the election.

(b) A person who has resided within the ~~[state school board]~~ State Board of Education district, as the boundaries of the district exist on the date of the election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this Subsection (2).

(3) A State Board of Education member shall:

(a) be and remain a registered voter in the ~~[state board]~~ State Board of Education district from which the member was elected or appointed; and

(b) maintain the member's primary residence within the ~~[state board]~~ State Board of Education district from which the member was elected or appointed during the member's term of office.

(4) A ~~[member of the]~~ State Board of Education member may not, during the member's term of office, also serve as an employee of:

(a) the ~~[board]~~ State Board of Education;

245 (b) the Utah State Office of Education; or

246 (c) the Utah State Office of Rehabilitation.

247 Section 8. **Repealer.**

248 This bill repeals:

249 Section **20A-14-101, State Board of Education -- Number of members -- District**
250 **boundaries.**

251 Section 9. **Effective date.**

252 This bill takes effect on January 1, 2012, for purposes of nominating and electing
253 certain members of the State Board of Education and on January 1, 2013, for all other
254 purposes.

Legislative Review Note

as of 9-30-11 11:51 AM

Office of Legislative Research and General Counsel